

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LESLIE BERNARD HOWARD,

06-CV-699-PK

Plaintiff,

ORDER

v.

OREGON STATE CORRECTIONS  
HEALTH SERVICES, GARTH  
GULICK, and S. HODGE,

Defendants.

LESLIE BERNARD HOWARD  
# 14793421  
Snake River Correctional Institution  
777 Stanton Blvd  
Ontario, OR 97914

Plaintiff, *Pro Se*

**HARDY MYERS**

Attorney General

**LEONARD W. WILLIAMSON**

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Trial Division, Corrections Litigation  
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Attorneys for Defendant

**BROWN, Judge.**

Magistrate Judge Paul Papak issued Findings and Recommendation (#39) on March 15, 2007, in which he recommended this Court grant Defendant's Unenumerated 12(b) Motion to Dismiss for Failure to Exhaust (#30) and dismiss the Plaintiff's Complaint (#2) without prejudice. Based on his recommendation to dismiss the Complaint, Magistrate Judge Papak also recommended this Court deny Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (#22). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the Findings and Recommendation *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (2003)(*en banc*). Having reviewed the legal principles, the Court does not find any clear error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#39). Accordingly, the Court **GRANTS** Defendant's Unenumerated 12(b) Motion to Dismiss for Failure to Exhaust (#30) and **DISMISSES** Plaintiff's Complaint (#2) without prejudice. The Court also **DENIES** Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (#22).

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of April, 2007.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge